

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

IN THE MATTER OF THE) Civil NO. CV05-00037 HG-BMK
COMPLAINT OF BLUE) [3 Consolidated Cases]
DOLPHIN CHARTERS, LTD.)
AND TERRY DONNELLY, AS) ORDER
OWNERS OF THE VESSEL)
M/V BLUE DOLPHIN, O/N)
1082213, FOR)
EXONERATION FROM)
AND/OR LIMITATION OF)
LIABILITY)
)

MATTHEW ISHAM,) CIVIL NO.: CV 04 00559 HG-BMK
individually and as Guardian Ad)
Litem for HAYDEN ISHAM, a)
minor; ROXANNE BEST)
ISHAM,)
)

Plaintiffs,)
)

vs.)
)

BLUE DOLPHIN CHARTERS,)
LTD. and BLUE DOLPHIN)
DIVING, LTD., CAPTAIN)
ANDY'S SAILING, INC.,)
DOES 1 - 50,)
)

Defendants.)
)

DENNIS CLAYPOOL,)	CIVIL NO.: CV 04 00570 HG-BMK
individually and as Guardian ad)	
Litem for KRISTEN)	
CLAYPOOL, a minor, SHERYL)	
CLAYPOOL, SCOTT)	
CLAYPOOL, AND KRISTEN)	
CLAYPOOL,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CAPTAIN ANDY'S SAILING,)	
INC., BLUE DOLPHIN)	
CHARTERS, LTD. And BLUE)	
DOLPHIN DIVING, LTD.,)	
)	
Defendants.)	
)	

ORDER

Plaintiff /Limitation Claimant Matthew Isham's Motion for Judgment
Enforcing Liability on Bond came on regularly for hearing on April 17, 2006.

After reviewing and considering the Motion, the Memorandum in
Opposition to the Motion filed by Surety American Home Assurance Company
and Interested party Lexington Insurance Company, the Reply Brief filed by
Plaintiff/Limitation Claimant Isham, as well as the Declarations and
Exhibits attached to all of the foregoing, the Court rules as follows:

1. On January 21, 2005, .Blue Dolphin Charters, Ltd, Terry Donnelly as
principals and American Home Assurance Company as surety filed with the Court

a bond with approved surety in the amount of \$435,000.00, with interest thereon at the rate of 6% per annum from that date.

2. That Pursuant to Section F(5) of the Supplemental Rules for Certain Admiralty and Maritime claims, Matthew Isham properly and timely filed a claim against the bond.

3. That on March 2, 2006, the Court entered Judgment against Blue Dolphin Charters, Ltd and Terry Donnelly, and in favor of Plaintiff/Limitation claimant Matthew Isham for \$2,975,000, an amount in excess of the bond plus all accrued interest.

4. That at this time, Plaintiff/Limitation Claimant Matthew Isham is the only remaining claimant against the subject bond.

5. That Interested Party Lexington Insurance Company has no standing to oppose the instant motion.

Therefore, the Motion is Granted, and Judgment shall be entered forthwith against American Home Assurance Company in the amount of \$435,000., plus interest thereon at the rate of 6% per annum from January 21, 2005.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, April 24, 2006.



/s/ Helen Gillmor
Chief United States District Judge